GOC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR -3 AM 9:43

BY: DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rosario SALAZAR-Olguin

Defendant.

Magistrate Case No. '08 MJ 0627

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Sec. 1326 –
Attempted Entry After Deportation
(Felony)

The undersigned complainant being duly sworn states:

On or about **March 1, 2008**, within the Southern District of California, defendant **Rosario SALAZAR-Olguin**; an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry,** without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3)and (4),and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF **MARCH, 2008**.

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

Probable Cause Statement

I, Customs and Border Protection (CBP) Enforcement Officer Nicolas Gonzales, declare under penalty of perjury, the following is true and correct:

On March 1, 2008 at approximately 11:30 AM., a male individual later identified as **Rosario SALAZAR-Olguin (Defendant)**, attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry through the vehicle primary lanes. Defendant was accompanied by two female passengers. Defendant presented an altered DSP-150 Laser Visa Card bearing his picture and the name Ernesto Lopez Meza as his entry document to a Customs and Border Protection (CBP) Officer. The CBP Officer noticed Defendant and his companions had presented altered documents and immediately secured them to be escorted to the secondary area for further inspection.

During secondary inspection, Defendant's fingerprints were obtained and queried through the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). IDENT/IAFIS returned a match to the query, identifying Defendant as a citizen of Mexico and previously deported/removed alien.

Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) also confirmed Defendant to be a citizen of Mexico with no legal documents to enter the United States. CIS and DACS system queries revealed Defendant was administratively removed from the United States to Mexico on or about August 19, 2007, March 24, 2006, March 15, 2006, January 21, 2006, and July 3, 2005. Additionally, Defendant was ordered deported/removed from the United States by an Immigration Judge on February 14, 2006. Immigration service records indicate no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he is a citizen and native of Mexico by virtue of birth in Los Mochis, Sinaloa, Mexico. Defendant admitted he presented an altered document to enter the United States from Mexico. Defendant further stated he was going to Chula Vista, CA to seek employment. Defendant also admitted he was previously ordered deported from the United States by an Immigration Judge. Additionally, Defendant stated he has not applied for nor received permission to legally re-enter the United States.

Nicolas Gonzales Jr. Customs and Border Protection Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe the defendant(s) named in the Probable Cause Statement committed the offense on March 1, 2008 in violation of Title 8 United States Code, Section(s) 1326.

United States Magistrate Judge

3/2/08 @ 4:45 pm
Date/Time

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE